

Application No. 10/671,229

AUG 22 2007**REMARKS**

Claims 17, 18, 29-39, and 49-65 are pending in the application with new claims 64 and 65 added herein. Applicant expresses appreciation for the allowance of claims 17, 18, 29-39 and 49.

Applicant herein requests examination of claims 50-65. Applicant asserts that at least claims 50-63 are entitled to consideration under 37 CFR § 1.112 as having been introduced in response to a non-final action. At the time of the non-final action, the application was not in condition for allowance except for formal matters and, consequently, practice under Ex parte Quayle does not apply to Applicant's response to the non-final action. Applicant further asserts that claims 64 and 65 added herein are entitled to consideration since presentation of the Quayle action was improper.

As previously indicated in the Response to January 22, 2007 Office Action, claims 50-53 added in such Response are supported at least by paragraphs 27 and 41 of the present specification. Claim 50 adds further limitations to the version of previous claim 17 that was pending at the time of the January 22, 2007 Office Action rejecting claim 17. Claim 50 was added as a different approach to overcoming the rejection compared to the amendment of claim 17 made in the Response to January 22, 2007 Office Action. The Office has not previously considered the full subject matter of claim 50 nor alleged disclosure or suggestion thereof. However, the Office refused to consider the new claims. Applicant previously asserted and now maintains that claim 50 is patentable.

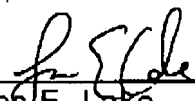
Application No. 10/671,229

Claim 54 reintroduces the subject matter of previously canceled claims 14 and 20 and adds further limitations also supported at least by paragraphs 27 and 41 of the present specification. Claims 55-65 reintroduce the subject matter of previously canceled claims 15, 16, 21-28, and 48. Claims 14-16, 20-28, and 48 were previously cancelled in the Response to September 25, 2006 Final Office Action to obtain issuance of allowed claims in favor of pursuing the cancelled claims in a continuation application. However, such cancellation did not result in a Notice of Allowance. Instead, the Office asserted a new ground of rejection in the non-final January 22, 2007 Office Action to which Applicant replied by amending rejected claims and reintroducing most of the cancelled claims with further limitations overcoming the prior and new ground of rejection. Previously cancelled claims 28 and 48 are reintroduced herein. The Office has not previously considered the full subject matter of claim 54 nor alleged disclosure or suggestion thereof. However, the Office refused to consider the reintroduced claims. Applicant previously asserted and now maintains that claim 54 is patentable.

Applicant asserts that claims 50-65 are patentable over the cited art, considered alone or in combination.

Respectfully submitted,

Dated: 22 Aug 2007

By: 
James E. Lake
Reg. No. 44,854